

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4380 OF 2002

Sudam Tukaram Mhasal ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr.G.S. Bhatt for Petitioner

Mr.C.R. Sonawane, AGP, for Respondent Nos.1 and 2

CORAM: **H.L. GOKHALE &
SMT.NISHITA MHATRE, JJ.**

DATED: **SEPTEMBER 14, 2004**

P.C.:

. Heard Mr.Bhatt, learned Advocate appearing for the Petitioner and Mr.Sonawane, learned Assistant Government Pleader, appearing for Respondent Nos.1 and 2.

2. The Petitioner is aggrieved by the order passed by the Minister of Food and Civil Supplies on 24.7.2002 whereby he has entertained revision and thereby cancelled the allotment of the fair price shop made to the petitioner herein. It appears that the allegation against the Petitioner was that he was selling wheat procured for the fair price shop in black market. The grievance of Mr.Bhatt, appearing for the Petitioner, is

that when the revision was heard, no notice was given to the Petitioner. Inasmuch as no reply has been filed, there is no contest on this part.

3. As far as the submission of Mr.Bhatt that this revision was not maintainable is concerned, we do not find any merit therein. The revision was filed against the order of the Commissioner and was fully maintainable under clause 24 of the Maharashtra Scheduled Commodities (Regulation and Distribution) Order 1975. However, inasmuch as the Petitioner's submission is that he has not been heard and the same is not controverted, the revisional authority at the governmental level will hear the petitioner once again. The Revisional authority will issue notices to the Petitioner and Respondent No.3 and then the Revision filed by Respondent No.3 will be heard and decided. The Revisional Authority shall decide the revision within two months from the date of receipt of a copy of this order. The impugned order no longer survives for want of hearing without meaning any reflection on merits thereof.

4. There has been a stay of the impugned order by this Court on 22.8.2002. Thereby the cards allotted to the Petitioner have been transferred to another shop. That arrangement will continue until a decision is arrived at on the revision which is being revived.

5. Writ Petition is disposed of in the above terms.
6. Parties be provided authenticated copy of this order.

(H.L. Gokhale, J.)

(Nishita Mhatre, J.)